

EXHIBIT

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In The Matter Of:
SHEPP ELECTRIC COMPANY INC. v.
RUSTY BOYER

CRAIG SHEPP (PARTIAL)
August 23, 2021

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Original File 100142p.prm

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHEPP ELECTRIC COMPANY INC.)
)
Plaintiff,) Case No. 1:20-cv-00452-SO
)
vs.)
)
RUSTY BOYER, et al.) Judge Solomon Oliver, Jr.
)
Defendants.)

Partial Deposition of CRAIG SHEPP, a
witness taken before MARC EPPLER, Notary Public within
and for the State of Ohio in this cause on MONDAY, the
23rd day of AUGUST, 2021, at 9:03 a.m. Pursuant to
notice sent to counsel, this deposition was taken via
Zoom by Legal Electronic Recording, Inc.

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Job #100142p

APPEARANCES

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CLIMACO, WILCOX, PECA & GAROFOLI, CO., LPA
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Cleveland, Ohio
For the Plaintiff

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DAVID A. KUNSELMAN, ESQ.
BUCKLEY KING LPA
600 SUPERIOR AVENUE EAST
SUITE 1400
Cleveland, Ohio
For the Defendant

ALSO PRESENT:

RUSTY BOYER

Craig Shepp (partial) 8/23/21

3

1 P-R-O-C-E-E-D-I-N-G-S

2 Craig Shepp, of lawful age, a witness
3 herein having been first duly sworn as
4 hereinafter certified, deposes and says
5 as follows:

6 PARTIAL DEPOSITION OF CRAIG SHEPP

7 BY MR. DUNN:

8 Q About how long had Nathan Shepp worked at Shepp
9 Electric?

10 A At this time, I don't have exact years. It's
11 probably in the nature of eight, 10, 12 years.

12 Q Was Nathan Shepp married when he was working at
13 Shepp Electric?

14 A Yes, he was.

15 Q Have any children?

16 A Yes.

17 Q How many?

18 A Three.

19 Q Did you have Shepp Electric terminate Nathan
20 Shepp?

21 A Yes, I did, sad to say. And it was the hardest
22 day of my life.

23 Q And what was the reason you had Shepp Electric
24 terminate Nathan Shepp?

25 A My son sadly got into a number of vices.

Craig Shepp (partial) 8/23/21

4

1 Tobacco, which he never smoked when we were working.
2 Never. At the time we had instituted a non-tobacco
3 policy, as still is the case with our company, with
4 being on the job or in our trucks. But there were
5 numerous other things that I don't want to disclose,
6 because it's personal and it was very sad, but we gave
7 him due time. I went the extra, extra, extra mile to
8 try to help him and to try to save him. But it got to
9 the point that I could no longer let him represent my
10 family or this business. It was very sad.

11 Q Was Nathan Shepp's job performance an issue?

12 A No, it really was not.

13 Q Besides his violation of Shepp Electric's
14 non-tobacco policy, were there any other employment
15 related reasons that you terminated Nathan Shepp?

16 A Well, yes.

17 Q What were they?

18 A Sad to say, yes. Abuse and damage of vehicles,
19 company vehicles, very expensive ones at that. And then
20 alcohol began to be a part of it and lifestyle. And
21 like I said, the hardest day of my life and I hope we
22 don't keep dwelling on it.

23 Q After you terminated Nathan Shepp's employment
24 with Shepp Electric, was Nathan Shepp able to find a
25 new job within his experience?

Craig Shepp (partial) 8/23/21

5

1 A Yes, he was. He was very talented. He was very
2 talented. He knew carpentry, he knew tile work. Of
3 course, he knew electrical. So, yes. He was very, very
4 talented with those things.

5 Q And where did Nathan Shepp find work after being
6 terminated as a Shepp Electric employee?

7 A Well, at this time, I really don't know, can't
8 remember, but he found work. Right away, I think he was
9 trying to do some things on his own.

10 Q Was Nathan Shepp ever hired as an employee by
11 Your Generator Connection?

12 A At this time, I don't really know that, whether
13 he was subcontracting or on payroll.

14 Q Your understanding was that Nathan Shepp was
15 doing work for Your Generator Connection, either as an
16 employee or a subcontractor?

17 A Yes, that's my understanding.

18 Q And you don't know which it was? Employee or
19 subcontractor?

20 A Yes, I'm not sure whether he was actually on
21 payroll or was a subcontractor.

22 Q Now, if you could go back to Exhibit W and look
23 at the second page.

24 A Mm-hmm.

25 Q If you go down to December 6th, you'll see there

Craig Shepp (partial) 8/23/21

6

1 are two filings referenced. First one being December
2 6th of 2013. The first one being the answer and
3 counterclaim of Rusty Boyer. You see that?

4 A Yes.

5 Q And the second being the answer and counterclaim
6 of Nathan Shepp. Do you see that?

7 A Yes.

8 Q Okay. Does that help refresh your recollection
9 that Nathan Shepp indeed was a named Defendant in this
10 lawsuit?

11 A Yes. He was definitely a part of it.

12 Q Okay. What claims was Shepp Electric asserting
13 against Rusty Boyer, Your Generator Connection, and
14 Nathan Shepp?

15 A Well, simply that it was a violation of a
16 non-compete agreement. It's very simple.

17 Q At least one of the claims was that Nathan Shepp
18 was in violation of his non-compete with Shepp
19 Electric, correct?

20 A That's correct. And so was his future boss,
21 lawyer, whoever, Your Generator Connection, was as
22 responsible.

23 Q The entry on December 6 indicates that Nathan
24 Shepp filed a counterclaim against Shepp Electric. What
25 was the nature of the counterclaim that Nathan Shepp

Craig Shepp (partial) 8/23/21

7

1 was filing against Shepp Electric?

2 A Well, at this time, I can't recall and I'd have
3 to look into it. I don't know.

4 BY MR. ROLL: What date did you just
5 reference, Mr. Dunn?

6 BY MR. DUNN: The first reference to the
7 counterclaim is on December 6th of 2013,
8 then if you go down to January 10th,
9 2014, there's a reference made to an
10 amended answer and counterclaim of
11 Nathan Shepp.

12 BY MR. ROLL: And your question was?

13 BY MR. DUNN: I'd asked Mr. Shepp if he
14 could tell me the nature of that
15 counterclaim.

16 BY MR. ROLL: I see.

17 BY THE WITNESS: At this time, I don't
18 know.

19 BY MR. DUNN:

20 Q Okay. If we go down to March 17th of 2014, there
21 was a motion that Shepp Electric filed to file a first
22 amended complaint.

23 A What was that date, Mr. Dunn?

24 Q March 17th of 2014. It's --

25 A Oh, March 17th. Yes. Okay.

Craig Shepp (partial) 8/23/21

8

1 Q Do you recall why Shepp Electric was seeking to
2 file a first amended complaint against Rusty Boyer --

3 A Mr. Dunn, I'm not a lawyer and I have no clue
4 what all these documents are referring to, but if you
5 would like me to look into it, we can get you that
6 information. But at this time, I have no clue what
7 these amendments are for or why. I'm not an attorney.

8 BY MR. ROLL: I would also object, based
9 on what is the relevance to this case,
10 to the current litigation. Does it have
11 any relevance, Mr. Dunn?

12 BY MR. DUNN: You can make the
13 objection.

14 BY MR. ROLL: I'm making the objection,
15 sir. I'm making the objection. You spent
16 about 10 minutes on this so far.

17 BY MR. DUNN: Yeah, I have. And you
18 have, Shepp Electric has clearly and
19 indisputably made the nature of the
20 relationship between Mr. Shepp, Shepp
21 Electric, and Rusty Boyer an issue in
22 this case.

23 BY MR. ROLL: In the current case?

24 BY MR. DUNN: Yeah, absolutely.

25 BY MR. ROLL: We disagree. I object on

Craig Shepp (partial) 8/23/21

9

1 the basis of relevance.

2 BY MR. DUNN: You're allowed to object.

3 BY MR. ROLL: Are you going to move on,
4 sir?

5 BY MR. DUNN: Absolutely not. You've
6 made a number of objections about
7 criminal charges that Mr. Shepp brought
8 against Rusty Boyer, character
9 assassination references. So we're going
10 to go into the nature of Mr. Shepp and
11 his relationship with Rusty Boyer.

12 BY MR. ROLL: No, we're not. Not talking
13 about this case. You want to talk about
14 something else, fine, ask away. But
15 we've spent 10 minutes on this. Mr.
16 Shepp has just testified he doesn't have
17 any knowledge about any of these
18 individual filings. Now, are you going
19 to move on, or do I have to continue the
20 deposition and file a motion for a
21 protective order? Your call.

22 BY MR. DUNN: It would be the latter.
23 I'm not moving on.

24 BY MR. ROLL: You want to talk about
25 this case some more?

Craig Shepp (partial) 8/23/21

10

1 BY MR. DUNN: Absolutely.

2 BY MR. ROLL: Let's go off. Let's go off
3 the record for a moment.

4 BY MR. DUNN: No, I don't want to go off
5 the record.

6 BY MR. ROLL: What's the relevance of
7 this?

8 BY MR. DUNN: I've already told you.
9 I've already told you the relevance.

10 BY MR. ROLL: Character assassination?
11 That's why you're bringing up this case?
12 Is that your claim?

13 BY MR. DUNN: You have made the
14 relationship between Craig Shepp, Shepp
15 Electric, and Rusty Boyer a major issue
16 in this case through the pleadings and
17 the testimony I've heard. I'm going to
18 look at all sides of that.

19 BY MR. ROLL: In the current case that's
20 pending before Judge Oliver?

21 BY MR. DUNN: Absolutely.

22 BY MR. ROLL: What paragraph of the
23 current complaint makes reference to Mr.
24 Shepp's son? Tell me. There's not a
25 single paragraph in the current

Craig Shepp (partial) 8/23/21

11

1 complaint that makes reference to Mr.
2 Shepp's son.

3 BY MR. DUNN: Well, my defense isn't
4 limited to your allegations. And Mr.
5 Boyer's a party to this lawsuit. Craig
6 Shepp had Shepp Electric bring this case
7 against Rusty Boyer and Your Generator
8 Connection, so we're going to talk about
9 it.

10 BY MR. ROLL: Not about this case,
11 you're not. We're done talking about
12 this case. So do you want to move on?
13 Should we continue this and we'll file a
14 motion for a protective order? If
15 that's what you want, then we're done
16 today.

17 BY MR. DUNN: That's what I want.

18 BY MR. ROLL: Good. We're done. I'll be
19 filing a motion for a protective order.
20 Thank you, Mr. Dunn. Let's make it clear
21 on the record that you choose not to go
22 on, on a different topic.

23 BY MR. DUNN: I am stating that I am
24 going to continue to inquire on this
25 particular lawsuit. And if you're

Craig Shepp (partial) 8/23/21

12

1 instructing Mr. Shepp not to answer any
2 more questions about this particular
3 lawsuit, then we're going to adjourn the
4 deposition and go to the Court.

5 Absolutely.

6 BY MR. ROLL: Yeah, I didn't instruct
7 him not to answer any further questions.
8 I've said what I've said. It's on the
9 record. You've chosen not to move on to
10 a different topic. We're continuing the
11 deposition so I have an opportunity to
12 file a motion for a protective order,
13 because you won't change topics. So
14 thank you, Mr. Dunn, it's been a
15 pleasure today.

16 BY MR. DUNN: Okay. We're off the record
17 and the deposition's suspended.

18 BY MR. ROLL: We're not off the record.
19 Stay on the record.

20 BY MR. DUNN: So when do we get to go
21 off the record? Do I keep this video
22 open until the Court rules, until you
23 file your motion?

24 BY MR. ROLL: No, until you tell me
25 you're done, since you don't want to

Craig Shepp (partial) 8/23/21

13

1 move on to a different topic.

2 BY MR. DUNN: I'm pretty sure I said at
3 least three times that I am going to
4 continue to ask questions on this topic
5 and I'm not going to move on to a
6 different topic.

7 BY MR. ROLL: Okay.

8 BY MR. DUNN: So I don't know how many
9 more times you want me to state it.

10 BY MR. ROLL: That's fine.

11 BY THE REPORTER: Before we go off the
12 record, can I ask a question about
13 tomorrow?

14 BY MR. ROLL: Yeah. Tomorrow, we're
15 continuing with a new deposition of
16 Shepp Electric Company, Inc.

17 BY MR. DUNN: That would be correct.

18 BY MR. ROLL: Yes. But if you're going
19 to talk about this case, we're going to
20 have the same thing, I'm telling you
21 right now. So do we continue tomorrow or
22 not? Mr. Eppler's question is a good
23 one. Are you going to talk about this
24 case tomorrow?

25 BY MR. DUNN: I am not going to talk

Craig Shepp (partial) 8/23/21

14

1 about this case. We are not going to
2 talk about this case tomorrow. We will
3 wait to receive the Court's ruling on
4 our motions dealing with this topic.

5 BY MR. ROLL: Works for me. We'll
6 continue for tomorrow at 9:00.

7 BY MR. DUNN: That's the schedule, yes.

8 BY MR. ROLL: I'll be filing a motion.

9 BY THE REPORTER: Again, just
10 administrative, you'll get a new
11 invitation for tomorrow.

12 BY MR. ROLL: Yes, that's fine. Thank
13 you, Mr. Dunn.

14 BY MR. DUNN: Could we go off the record
15 now?

16 BY MR. ROLL: Yes.

17 (Deposition adjourned at 2:30 p.m.)

18 (End of partial transcript)
19
20
21
22
23
24
25

CERTIFICATE

The State of Ohio) ss
County of Cuyahoga)

I, MARC EPPLER, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the abovenamed CRAIG SHEPP was first duly sworn to testify the truth; that the testimony then given by him was taken via Zoom and a portion reduced to writing; that the foregoing is a true and correct transcript of a portion of the testimony given by the witness as aforesaid; that I am not a relative or counsel of either party or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office in Cleveland, Ohio this 24th day of AUGUST, A.D., 2021.



MARC EPPLER
Notary Public - State of Ohio
my commission expires 9-14-2023

A	Boyer's (1) 11:5	course (1) 5:3	4:22	found (1) 5:8	
	bring (1) 11:6	Court (2) 12:4,22	E	further (1) 12:7	
	bringing (1) 10:11	Court's (1) 14:3		future (1) 6:20	
	brought (1) 9:7	Craig (4) 3:2,6;10:14;11:5	G	gave (1) 4:6 Generator (5) 5:11,15;6:13,21; 11:7 Good (2) 11:18;13:22	
	business (1) 4:10	criminal (1) 9:7			
	C	current (5) 8:10,23;10:19,23, 25			D
		call (1) 9:21			
	can (3) 8:5,12;13:12	date (2) 7:4,23	Electric's (1) 4:13	H	
	carpentry (1) 5:2	day (2) 3:22;4:21	else (1) 9:14		
	case (16) 4:3;8:9,22,23;9:13, 25;10:11,16,19;11:6, 10,12;13:19,24;14:1,2	dealing (1) 14:4	employee (4) 5:6,10,16,18		
certified (1) 3:4	December (4) 5:25;6:1,23;7:7	employment (2) 4:14,23			
change (1) 12:13	Defendant (1) 6:9	End (1) 14:18			
character (2) 9:8;10:10	defense (1) 11:3	entry (1) 6:23			
charges (1) 9:7	definitely (1) 6:11	Eppler's (1) 13:22			
children (1) 3:15	deposes (1) 3:4	exact (1) 3:10			
choose (1) 11:21	DEPOSITION (6) 3:6;9:20;12:4,11; 13:15;14:17	Exhibit (1) 5:22			
chosen (1) 12:9	deposition's (1) 12:17	expensive (1) 4:19			
claim (1) 10:12	different (4) 11:22;12:10;13:1,6	experience (1) 4:25	I		
claims (2) 6:12,17	disagree (1) 8:25	extra (3) 4:7,7,7			
clear (1) 11:20	disclose (1) 4:5	F			
clearly (1) 8:18	documents (1) 8:4				
clue (2) 8:3,6	done (4) 11:11,15,18;12:25	family (1) 4:10	Inc (1) 13:16 indeed (1) 6:9 indicates (1) 6:23 indisputably (1) 8:19 individual (1) 9:18 information (1) 8:6 inquire (1) 11:24 instituted (1) 4:2 instruct (1) 12:6 instructing (1) 12:1 into (4) 3:25;7:3;8:5;9:10 invitation (1) 14:11 issue (3) 4:11;8:21;10:15		
company (3) 4:3,19;13:16	down (3) 5:25;7:8,20	far (1) 8:16			
complaint (4) 7:22;8:2;10:23; 11:1	due (1) 4:7	file (6) 7:21;8:2;9:20; 11:13;12:12,23			
Connection (5) 5:11,15;6:13,21; 11:8	duly (1) 3:3	filed (2) 6:24;7:21			
continue (6) 9:19;11:13,24;13:4, 21;14:6	DUNN (33) 3:7;7:5,6,13,19,23; 8:3,11,12,17,24;9:2,5, 22;10:1,4,8,13,21; 11:3,17,20,23;12:14, 16,20;13:2,8,17,25; 14:7,13,14	filing (3) 7:1;11:19;14:8			
continuing (2) 12:10;13:15	dwelling (1)	filings (2) 6:1;9:18			
counterclaim (7) 6:3,5,24,25;7:7,10, 15		find (2) 4:24;5:5			
		fine (3) 9:14;13:10;14:12			
		first (6) 3:3;6:1,2;7:6,21;8:2			
		follows (1) 3:5			

SHEPP ELECTRIC COMPANY INC. v.
RUSTY BOYERCRAIG SHEPP (PARTIAL)
August 23, 2021

J	8:16;9:15 Mm-hmm (1) 5:24	9:21;11:14,19; 12:12 own (1) 5:9	16,18,19,21;13:12; 14:14 reference (5) 7:5,6,9;10:23;11:1	7:1,11,13,21;8:1,18, 20,20;9:7,10,16; 10:14,14;11:6,6;12:1; 13:16
	moment (1) 10:3 more (3) 9:25;12:2;13:9 motion (7) 7:21;9:20;11:14,19; 12:12,23;14:8 motions (1) 14:4 move (6) 9:3,19;11:12;12:9; 13:1,5 moving (1) 9:23	P	referenced (1) 6:1 references (1) 9:9 referring (1) 8:4 refresh (1) 6:8 related (1) 4:15 relationship (3) 8:20;9:11;10:14 relevance (5) 8:9,11;9:1;10:6,9 remember (1) 5:8 REPORTER (2) 13:11;14:9 represent (1) 4:9 responsible (1) 6:22 Right (2) 5:8;13:21 ROLL (28) 7:4,12,16;8:8,14,23, 25;9:3,12,24;10:2,6, 10,19,22;11:10,18; 12:6,18,24;13:7,10, 14,18;14:5,8,12,16 rules (1) 12:22 ruling (1) 14:3 Rusty (8) 6:3,13;8:2,21;9:8, 11;10:15;11:7	Shepp's (4) 4:11,23;10:24;11:2 sides (1) 10:18 simple (1) 6:16 simply (1) 6:15 single (1) 10:25 smoked (1) 4:1 son (3) 3:25;10:24;11:2 spent (2) 8:15;9:15 state (1) 13:9 stating (1) 11:23 Stay (1) 12:19 still (1) 4:3 subcontracting (1) 5:13 subcontractor (3) 5:16,19,21 sure (2) 5:20;13:2 suspended (1) 12:17 sworn (1) 3:3
K	named (1) 6:9 Nathan (18) 3:8,12,19,24;4:11, 15,23,24;5:5,10,14; 6:6,9,14,17,23,25; 7:11 nature (5) 3:11;6:25;7:14; 8:19;9:10 new (3) 4:25;13:15;14:10 non-compete (2) 6:16,18 non-tobacco (2) 4:2,14 number (2) 3:25;9:6 numerous (1) 4:5	page (1) 5:23 paragraph (2) 10:22,25 part (2) 4:20;6:11 PARTIAL (2) 3:6;14:18 particular (2) 11:25;12:2 party (1) 11:5 payroll (2) 5:13,21 pending (1) 10:20 performance (1) 4:11 personal (1) 4:6 pleadings (1) 10:16 pleasure (1) 12:15 pm (1) 14:17 point (1) 4:9 policy (2) 4:3,14 pretty (1) 13:2 probably (1) 3:11 P-R-O-C-E-E-D-I-N-G-S (1) 3:1 protective (4) 9:21;11:14,19; 12:12	S	T
L	object (3) 8:8,25;9:2 objection (3) 8:13,14,15 objections (1) 9:6 off (8) 10:2,2,4;12:16,18, 21;13:11;14:14 Oliver (1) 10:20 one (4) 6:1,2,17;13:23 ones (1) 4:19 open (1) 12:22 opportunity (1) 12:11 order (4)	R	sad (4) 3:21;4:6,10,18 sadly (1) 3:25 same (1) 13:20 save (1) 4:8 schedule (1) 14:7 second (2) 5:23;6:5 seeking (1) 8:1 Shepp (44) 3:2,6,8,8,12,13,19, 20,23,24;4:13,15,24, 24;5:5,6,10,14;6:6,9, 12,14,17,18,24,24,25;	talented (3) 5:1,2,4 talk (7) 9:13,24;11:8;13:19, 23,25;14:2 talking (2) 9:12;11:11 telling (1) 13:20 terminate (2) 3:19,24 terminated (3) 4:15,23;5:6 testified (1) 9:16 testimony (1) 10:17 Three (2) 3:18;13:3 tile (1) 5:2 times (2)
January (1) 7:8 job (3) 4:4,11,25 Judge (1) 10:20				
keep (2) 4:22;12:21 knew (3) 5:2,2,3 knowledge (1) 9:17				
latter (1) 9:22 lawful (1) 3:2 lawsuit (4) 6:10;11:5,25;12:3 lawyer (2) 6:21;8:3 least (2) 6:17;13:3 life (2) 3:22;4:21 lifestyle (1) 4:20 limited (1) 11:4 litigation (1) 8:10 long (1) 3:8 longer (1) 4:9 look (4) 5:22;7:3;8:5;10:18				
M				
major (1) 10:15 makes (2) 10:23;11:1 making (2) 8:14,15 many (2) 3:17;13:8 March (3) 7:20,24,25 married (1) 3:12 mile (1) 4:7 minutes (2)				

SHEPP ELECTRIC COMPANY INC. v.
RUSTY BOYERCRAIG SHEPP (PARTIAL)
August 23, 2021

13:3,9 Tobacco (1) 4:1 today (2) 11:16;12:15 told (2) 10:8,9 tomorrow (7) 13:13,14,21,24; 14:2,6,11 topic (6) 11:22;12:10;13:1,4, 6;14:4 topics (1) 12:13 transcript (1) 14:18 trucks (1) 4:4 try (2) 4:8,8 trying (1) 5:9 two (1) 6:1	years (2) 3:10,11			
	1			
	10 (3) 3:11;8:16;9:15 10th (1) 7:8 12 (1) 3:11 17th (3) 7:20,24,25			
	2			
	2:30 (1) 14:17 2013 (2) 6:2;7:7 2014 (3) 7:9,20,24			
	6			
U	6 (1) 6:23 6th (3) 5:25;6:2;7:7			
up (1) 10:11	9			
V	9:00 (1) 14:6			
vehicles (2) 4:18,19 vices (1) 3:25 video (1) 12:21 violation (3) 4:13;6:15,18				
W				
wait (1) 14:3 What's (1) 10:6 within (1) 4:25 witness (2) 3:2;7:17 work (4) 5:2,5,8,15 worked (1) 3:8 working (2) 3:12;4:1 Works (1) 14:5				
Y				